

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MELINDA BROWN and TREFFLE	)	C. A. No. 04-10685 WGY
LAFLECHE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
AMERICAN INTERNATIONAL GROUP,	)	
INC. and NATIONAL UNION FIRE	)	
INSURANCE COMPANY OF	)	
PITTSBURGH, PENNSYLVANIA,	)	
	)	
Defendants.	)	
	)	
	)	

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**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Melinda Brown and Treffle LaFleche (collectively “Insureds” or “Plaintiffs”) respectfully move this Court, pursuant to Fed. R. Civ. P. 56, to grant them summary judgment with respect to their complaint seeking (1) a declaratory judgment that the “Prior Acts Exclusion” endorsement contained in Computrex’s Officers and Directors Liability Insurance Policy (“D&O Policy”) does not bar coverage of the claims brought against them by Computrex’s Chapter 7 Trustee; and (2) the entry of an order that National Union must undertake the defense of and/or make available to the Insureds the proceeds of the D&O Policy to pay for losses (including defense costs) incurred by them in the action brought against them by the Chapter 7 Trustee.

In support of this motion, Plaintiffs respectfully submit herewith the Affidavit of Charles Dale, III, Esquire, dated May 7, 2004, and the Affidavits of Daniel J. Kelly, Esquire and Melinda Brown, dated May 10, 2004, “Plaintiffs’ Memorandum of Law in Support of Their Motion for

Summary Judgment," and Plaintiffs' Statement of Material Facts pursuant to Local Rule 56.1 of this Court.

WHEREFORE, Plaintiffs Melinda Brown and Treffle LaFleche pray that this motion be allowed, and that this Court enter an appropriate summary judgment order granting Count I (declaratory judgment) and Count II (breach of contract) of Plaintiffs' complaint.

**REQUEST FOR ORAL ARGUMENT**

Plaintiffs hereby request oral argument on this motion, and believe that it may be of assistance to the Court.

Respectfully submitted,  
MELINDA BROWN AND TREFFLE LAFLECHE  
By their attorneys,

/s/ Daniel J. Kelly  
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Dated: May 11, 2004

**Local Rule 7.1 Certification**

I, Daniel J. Kelly, hereby certify that I have conferred with opposing counsel and have attempted in good faith to resolve or narrow the issues raised in this motion.

/s/ Daniel J. Kelly  
Daniel J. Kelly, Esq.